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REMARKS

The claims have been amended to distinguish over the references cited by the Examiner and to remove the objections and other clerical errors previously appearing therein which were raised by the Examiner. The disclosure has been amended to remove the Examiner's objections to various informalities recited in the action. Claims 1-27 remain in the application and stand for examination. Reconsideration and re-examination are requested in view of today's amendments and in view of the comments made hereinafter.

Objections to the specification

The Examiner objects to several paragraphs of the specification for informalities. Today's amended pages to the specification overcome those objections.

Objections to the claims

The Examiner objects to claims 2, 8, 10, 12 and 13 for informalities. By today's submission, the informalities have been reviewed and should be favorably received by the Examiner.

Rejections of claims 1-5, 7, 8, 10, 12, 13, 15, 16, 25 and 26 for anticipation

The Examiner rejects claims 1-5, 7, 8, 10, 12, 13, 15, 16, 25 and 26 for anticipation under 35 U.S.C. 102(b) on the basis of Chien United States Patent 5,266,755.

There is a fundamental difference between the teachings of Chien '755 and the present invention. Chien does not teach a direct connection between his inlet and his outlet. Chien teaches a front "expansion chamber 14" into which the engine exhaust expands after entering into the "outer pipe 1" through "connecting tube 2". This expansion

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serves and is needed to reduce the sound of the exhaust. The expanded exhaust then passes to an "absorbing and filtering medium 4" where pollutants are removed from the exhaust gas. The expanded and filtered exhaust gas enters into a "perforated tail tube 5" where it leaves the "car silencer".

According to the present invention, however, the exhaust does not expand between the exhaust inlet pipe of the modular muffler and the inlet of the replaceable internal core assembly. Rather, the two are directly connected so that no uncontrolled expansion of the exhaust gas occurs between the outlet of the exhaust inlet pipe and the inlet of the internal core assembly. This allows more complete control of the sound and the routing of the exhaust. The sound according to the present invention may be modified with a new cartridge in which the openings in the inlet pipe of the internal core assembly are modified as desired. Chien offers no such available modification and his sound is uncontrolled.

By today's amendment to the claims under consideration, this limitation has been entered and previously was implicit from claim 6 as filed. Support for such amendment is clear from all of the figures and also from, inter alia, page 8, line 18 bridging over to page 9, line 1. These claims are submitted to patentably distinguish over the Chien reference. Reconsideration is requested.

Rejection of claims 6, 9, 11, 14, 17 and 19 for obviousness

The Examiner rejects claims 6, 9, 11, 14, 17 and 18 for obviousness under 35 U.S.C. 103(a) over aforementioned Chien United States Patent 5,266,755 in view of Yamaguchi et al United States Patent 5,969,299.

Yamaguchi et al teach a muffler connected to the tail pipe of an engine for a motorcycle. The muffler includes a spark arrester A (Fig. 2) which is detachably connected to the muffler M by way of a holder 20 connected to the outlet of

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the muffler M. While the spark arrester A is detachable, its "cap 29" does not have an inlet which is directly attached to the exhaust pipe inlet P_x . Again, in a manner similar to Chien, there is an expansion chamber C_1 between the outlet of the exhaust pipe inlet P_x and the inlet to the spark arrester A. Indeed, the second expansion chamber C_2 communicates with expansion chamber C_1 by way of "first restricting passage 33" and third expansion chamber C_3 communicates with second expansion chamber C_2 by way of "second restricting passage 34". The lack of control over the exhaust by way of expansion chambers between the exhaust and the inlet of the spark arrester A is the same lack of control suffered by the expansion chamber 14 of Chien. Both references suffer the same disadvantages. Since Yamaguchi et al contribute nothing to Chien, claims 6, 9, 11, 14, 17 and 18 should be allowable for the same reasons claims 2, 8, 10, 12 and 13 are deemed to be allowable.

Rejection of claims 19-24 and 27 for obviousness

The Examiner rejects claims 19-24 and 27 under 35 U.S.C. 103(a) as being obvious in view of Abbe et al United States Patent 4,858,722 in view of aforementioned Chien United States Patent 5,266,755.

Abbe et al teach a muffler attachment for two cycle engines. Lawnmowers and the like would find the kit useful in residential neighborhoods but it is apparent that expansion chambers exist between the incoming outlet of the exhaust from the two cycle engine and the inlet of the "muffler 21". Entry into the muffler 21 is by way of "opening 33" in "baffle plate 30" (Figure 2). Abbe et al therefore contribute nothing to Chien and/or Yamaguchi et al and claims 19-24 and 27 should be allowable for the same reasons claims 1-5, 7, 8, 10, 12, 13, 15, 16, 25 and 26 are deemed to be allowable.

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Prior Art of Record

The prior art of record on PTO Form 892 is noted.

In view of the above, it is submitted that the claims should now be in condition for allowance. Reconsideration and withdrawal of the objections and rejections is requested and allowance of claims 1-27 is solicited.

Respectfully submitted,

TOM TARY et al

Per: _____

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